THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:28-3-2006

WRIT PETITION No. 20299 OF 2005

BETWEEN:

Sri Rama Sand Quarry Boatsmen Fishermen Co-operative Slociety, Vakalagaruvu (v), Ambajipeta (M), E.G.District, Represented by its President Kola Laxmana Swamy.

…Petitioner

And

The Joint Collector-cum-Chairman, District Level Committee (Sand Auctions), West Godavari District, Eluru and another.

…Respondents

ORDER:

The petitioner seeks to issue a writ of mandamus, declaring the action of the respondents in not considering the representation of the petitioner society dated 23-11-2004 as illegal and arbitrary.

Heard the learned counsel appearing for the petitioner society and the learned Government Pleader for Panchayat Raj and Rural Development appearing for the respondents.

It is the case of the petitioner that he was an auction purchaser in respect of Siddantam Sand Quarry Reach No.16 of West Godavari District for quarrying the sand from 1-4-2004 to 30-9-2004 and work order was issued on 12-4-2004. The petitioner commenced quarrying

the sand from 13-4-2004, but he could not quarry the sand from 4-5-2004 to 10-5-2004 and quarried only for a period of 55 days and therefore, he is entitled to quarry for the days during which he could not quarry the sand.

The learned Government Pleader appearing for the respondents submits that the similar and other contentions for refund of the proportionate lease amount as well as the extension of lease period for quarrying sand was considered by this Court in W.P.Nos.20854 of 2005 and batch dated 27-9-2005 and dismissed on the ground that there is no vested right in favour of the petitioners either for extension or for grant of remission.

Following the said Judgment, the Writ Petition is dismissed. No costs.

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V.ESWARAIAH, J

Date: 28-3-2006.

Shr.